

APPENDIX B

PERSONNEL EXEMPT FROM THE WORKYEAR SYSTEM

The following personnel are exempt:

1. Those hired under non-personal service contracts, i.e., employees of private contractors.
2. Those serving without pay, such as experts and consultants who work without pay or receive payments only for their expenses.
3. Those on leave without pay, furlough, or suspension status. Once they return to regular status, report their workyears as appropriate.
4. Those carried on annual or sick leave after the last day of active duty specified in a reduction-in-force notice. This applies also to those on severance pay.
5. Those hired informally "on the spot" not under formal appointment procedures for short intervals of time to cope with fire, flood, and other extreme emergencies.
6. Those paid from non-appropriated funds, such as canteen workers in the Department of Defense.
7. District of Columbia government employees.
8. All State, local and Indian Tribal Government employees and academic personnel who are:
 - a. on detail to Intergovernmental Personnel Act (IPA) mobility assignments with Federal agencies.
 - b. on IPA mobility assignments who have received Federal appointments under 5 U.S.C. 3374(a)(1) for assignments of 30 days or less.
9. All Federal employees who are on detail to State, local, and Indian Tribal Governments or institutions of higher education, or other eligible organizations where the organization to which an assignment is made reimburses the assigning Federal agency for at least 50% of an assigned employee's salary during the assignment.
10. Uniformed military personnel in the Department of Defense and the U. S. Coast Guard.
11. All indirect hire employees such as those in the Department of Defense.

Exclude also the following:

- (1) Student Aides appointed under Schedule A authority, section 213.3102(v);
- (2) Stay-in-School Program employees appointed under Schedule A, section 213.3102 (w);
- (3) Federal Junior Fellowship Program employees appointed under Schedule B, section 213.3202 (f);
- (4) Worker-Trainee Opportunity Program employees in developmental jobs (for a twelve-month period from date of appointment) who were selected from the Worker-Trainee register, appointed under the Veterans Readjustment Appointment (VRA) authority, or appointed under the Worker Trainee Temporary Appointment Pending Establishment of a Register (TAPER) authorization.
- (5) Employees on leave with pay pending separation by disability retirement who meet both of the following criteria:
 - (a) their applications for disability retirement have been approved by the U. S. Office of Personnel Management; and
 - (b) their use of sick leave after approval date actually exceeds, or is scheduled to exceed 30 calendar days.
- (6) Employees on leave with pay pending separation by optional retirement who meet all five of the following criteria:
 - (a) Employee has to retire because of ill health.
 - (b) Employee is on sick leave and the employing agency has received a licensed physician's certificate covering the entire period for which the employee has requested sick leave.
 - (c) Employee meets age and service requirements for optional retirement.
 - (d) SF 2801, "Application for Immediate Retirement" package has been submitted for retirement to become effective when sick leave expires.
 - (e) The employee's use of sick leave after approval date exceeds or is scheduled to exceed 30 calendar days.
- (7) Employees who receive on-the-job injury or illness and meet the following criteria:

(a) Approval for worker's compensation has been received from the Department of Labor (The approval date refers to the actual date on which approval is received and not the effective date of worker's compensation); and

(b) Use of sick leave after approval date exceeds or is scheduled to exceed 30 calendar days.

This exemption applies regardless of whether the approval for worker's compensation was received within the 45-day period the employee was in pay status, or after the 45-day period and the employee has or has not "bought back" sick leave. If the approval for worker's compensation (this also applies to disability and optional retirement) occurred during a reporting period then the employee should still be reflected for that reporting period in the employment line and the regular time hours normally worked prior to the approval period are reported as straight time hours. Once the employee returns to work the employee is to be reported in the appropriate employment line and the regular time hours normally worked as straight time hours.

(8) Those employees covered by any official exemptions granted by OMB to the agency.